

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Case No. 20-CR-168 (WMW/ECW)

United States of America,

**MOTION TO DISMISS INDICMENT**  
Plaintiff,

vs.

Montez Terriel Lee,

Defendant.

The Defendant, Mr. Montez Terriel Lee, by and through his attorney, Andrew S. Garvis, respectfully moves the Court pursuant to Rule 7(c)(1), Federal Rules of Criminal Procedure, to dismiss the indictment because the indictment erroneously charges the defendant with maliciously damaging and destroying the Max It Pawn Shop by “fire and explosive materials” wherein no explosive was used by defendant as defined under 18 U.S.C. §844(j) or explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title.

Dated: September 15, 2020

Respectfully submitted,

s/ Andrew S. Garvis  
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